

REMARKS/ARGUMENTS

Summary of Amendments

The nonselected claims have been cancelled. It is proposed to make amendments so that all of the composition of matter claims depend ultimately from claim 12, which was indicated free of the prior art.

Status of claims

Claims 1 and 12-14 remain pending.

Rejection under 35 USC 112

Claim 1 and 12-13 stand finally rejected under 35 USC 112, second paragraph, for indefiniteness. Claim 1 previously recited "A composition of matter consisting of a peptide..." and the basis of rejecting claim 1 was stated as "claim 1 recites a composition of matter. However, the only element of claim 1 is the peptide....If only the peptide is intended, then "An isolated peptide..." is suggested. If a composition is intended then the composition should recite at least one other element such as a carrier." The rejection of claim 1 is traversed, since there is no basis for the position that a composition claim must contain more than one component. However, the rejection is believed obviated by amendment of claim 1 to recite "A composition of matter as in claim 13 wherein the peptide is....". Alternatively, the amendment is believed to place the application in better condition for consideration on appeal, since the allegedly indefinite language is then written only one way and is found in only one independent claim. The basis for the rejection of claim 12 (and 13) is not stated in the office action, but also appears to be the contention that a composition claim requires more than one component. Claim 12, which recites "A composition of matter comprising a peptide consisting of ..." is submitted to be in compliance with 35 USC 112 as written. Applicant intends the scope

of the claims to cover all compositions which contain the inventive peptides, regardless of whether other components are present. Reconsideration and withdrawal of the 35 USC 112 rejections is therefore requested.

Rejection under 35 USC 102

Claim 14 stands rejected under 35 USC 102(b) as being anticipated by Oldenburg et al., US 5,814,603, Sept. 29, 1998. It is proposed to amend claim 14 so as to depend from claim 13, as shown above, claim 13 being free of the art rejection, to obviate this rejection. This is applicant's first opportunity to amend this claim in response to a rejection over prior art, and for that reason, the amendment was not made earlier. The amendment is submitted to place the claim in condition for allowance, or, alternatively, in better condition for consideration on appeal, by removing the art rejection. Entry is therefore requested..

Conclusion

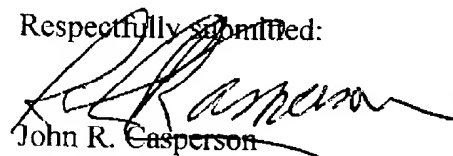
In view of the foregoing, reconsideration and withdrawal of all grounds of rejection and early notice of allowance is respectfully solicited.

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Respectfully submitted:

 9-29-03
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